

EXHIBIT B

----- Forwarded message -----

From: **Young Israel of Woodmere** <hbillet@gmail.com>

Date: Wed, Nov 28, 2018, 5:16 PM

Subject: The Absolute Requirement to Vaccinate Our Children

Dear Members

I want to endorse the view that advocates a pro vaccination policy. Instead of just saying it, I am enclosing some articles written by prominent doctors and Rabbis. Parents who do not vaccinate their children are negligent at the very least. And the net conclusion is that they are irresponsible with their children, the children of others, and all newborns up to a year old. There are no legitimate religious grounds to oppose vaccination. There are very clear religious grounds to make vaccination of children obligatory! Herd immunity only works if everyone is vaccinated. Clearly and tragically it did not work in Brooklyn or Monsey.

I believe in being an educated consumer. So read as much as you choose of what follows in this letter.

First is a note from Dr. Irit Rasooly, a very well educated and trained Orthodox Jewish Pediatrician at the very prestigious CHOP (Children's Hospital of Philadelphia). It is followed by an op ed published recently by our own Rabbi Dr Glatt in the Jewish Press. That is followed by a link to a halachic decision by a prominent Chareidi authority. And finally is a link to a learned article by Rabbi Dr Glatt and Rabbi Breitowitz

RHB

1. DR. IRIT RASOOLY

As a pediatrician at CHOP I am getting increasingly alarming reports about the measles outbreak in Lakewood. In Lakewood since 10/13 there have been **14 children** diagnosed with measles, only one of whom travelled to Israel. **24** children in Brooklyn have contracted the illness. Measles is highly contagious (living on surfaces for up to 2h) and the list of potential exposure sites includes shuls, restaurants, and smicha halls. Individuals likely spread the infection unknowingly; according to the CDC, individuals infected with measles manifest rash ~14d after exposure (range 7-21d). Infected individuals are contagious ~4d prior to developing a rash.

As you likely have heard, measles is a very serious illness-- approximately 1/500 individuals with the infection will die. An 18mo in Israel (where nearly 700 children have contracted measles) was recently killed. Moreover, measles encephalitis can cause neurologic devastation and the virus can live dormant in the body and cause a neurologic infection that emerges years after infection.

Vaccination is clearly the most effective way to prevent this disease-- however it is important to note that the MMR is effective in 93-97% of individuals, meaning that within our school community there are likely fully immunized individuals who are vulnerable. Of course there are also likely children and staff receiving immune modulating therapies or who have other forms of immune compromise that preclude them from receiving this immunization...**therefore in light of this outbreak (and the upcoming holidays in which people are likely to have exposures) it would be very helpful to take steps to ensure the safety of the members of our synagogue and school community!**

If there are individuals who have not received MMR immunizations, it would be appropriate to "quarantine" them after travel to affected areas or exposure to unimmunized individuals from affected areas. I've spoken to one of my colleagues, an infectious disease vaccine expert, who is advising **underimmunized individuals (who are missing one or both of the MMR immunizations) returning from areas of outbreak who are immunized within 48h be precluded from activities for 7 days. Underimmunized individuals returning from areas of outbreak who do not receive the MMR should be precluded for 21d (however 10-12d is a reasonable compromise, in his opinion).** He said he has received calls from several synagogues and a pediatrician in Lakewood about this issue.

Irit Rasooly, MD FAAP

Concerned parent of Leora (fully immunized kindergartener), Ella (age 2, who has only received 1 MMR), and Matan (age 2 mo, who is relying on herd immunity and maternal antibody protection).

P.S. In your personal lives, you can encourage families who approach you with concern to speak to their pediatricians about steps to increase protection against measles! I have also spoken to local primary care

pediatricians who have assured me that in light of this outbreak, they are immunizing children at the earliest periods of time within the recommended time frame (i.e. at age 12 months, during the recommended 12-15 month window and 4y, during the recommended 4-6y window). They are also reminding families that children 6-11 months old traveling to Israel or Europe **should receive an early dose of the MMR vaccine**(ideally 2 weeks before travel) because maternal antibodies are waning at this point and likely offer incomplete protection. Children immunized before 12 mo will need a second immunization after 12mo as they will not have mounted a sustained immune response from the initial vaccine.

2.

Op-Ed for the Jewish Press

The People of the Book Should Follow the Book

Rabbi Aaron E. Glatt, MD

There is a small yet very vocal and influential group of "anti-vaxxers" living in our heimeshe communities. They should stop reading now, as they will not like what I have to say, will not listen to what I have to say, and will write scathing diatribes against me. However, I hope the rest of Klal Yisroel keeps on reading this critically important pikuah nefashos article, which the Yerushalmi essentially states is a primary chiyuv of a Rav to darshen (explicate) about.

"Measles Outbreak in New York City in the Orthodox Jewish Community" was the title of a letter sent this week by the Department of Health to physicians across the state. Unfortunately, this is only the latest such tragic headline amongst numerous similar and preventable outbreaks in recent months and years, in **our** communities, in the US, Eretz Yisroel and Europe. I was truly saddened, embarrassed and pained.

Almost all the cases of measles are directly related to someone (or many people) being unvaccinated and spreading their illness **and ignorance** to others. I am very sorry if that offends anyone, but one of my vaccinated grandchildren (2 years old) just had to get an urgent premature second dose of MMR vaccine and a 5-month old grandson too young to be vaccinated had to get a painful gamma globulin shot, because of such incorrect and therefore dangerous medical views. Hashem yeracheim.

There is absolutely no one who disagrees with the psak that a parent is required to remove one's child to safety when a danger is present. Indeed, this is part of the basis for the halachic ruling of HaRav Elyashiv zt"l who

viewed normal childhood vaccinations as being an obligatory part of parental obligations. HaRav Asher Weiss, shlita, poseik for Shaare Zedek Hospital, a premier orthodox run hospital in Eretz Yisroel says it is a mitzvah and chiyuv to get vaccinated, bringing a proof from the story of Sodom from this week's Parsha (which I do not have the room to reiterate here). He further states that Yeshivas have the right and even obligation to protect other students, and should not allow unvaccinated children into school. This is similarly the written psak of HaRav Yitzchok Ziberstein, shlita as well as the psak of HaRav Elyashiv, who ruled that parents have the right to have unvaccinated children excluded from class so as not to cause unnecessary risks for their children.

Many other gedolei Yisroel, including HaRav Shlomo Zalman Auerbach zt"l, HaRav Yehoshua Newirth, zt"l, and yibadeil bein chayim lechayim, HaRav J. David Bleich, HaRav Reuven Feinstein, HaRav Hershel Schachter and HaRav Mordechai Willig, shlita, have all ruled that there is no basis in halacha to suggest that vaccinations should be avoided. All strongly urge and support appropriate universal vaccination against the major childhood potentially fatal illness that are preventable. Indeed, it is sheker (false) to officially vow that Jewish law forbids vaccination - which is the only way in some states to avoid mandatory state vaccination laws by providing such a **false** religious attestation.

So why all the headlines, anguish and outbreaks in our camps, amongst the "People of the Book"? Why did 180 children, 80% who were unvaccinated, die in the US 2017/18 from flu, along with 80,000 adults? Why do Yeshivas and camps have to close down and stop learning because of mumps outbreaks? Why were six babies hospitalized with measles in the past month at Ichilov Medical Center in Tel Aviv?

In my humble opinion, as a Rav and infectious diseases expert, it is because we somehow have forgotten to read the (halachic and medical) Book. Halacha states that if there is a dispute regarding whether a patient should eat on Yom Kippur or if Shabbos desecration is necessary to save a life, the most competent and / or the majority of experts make the determination.

Regarding vaccination against the major vaccine preventable illnesses, both determinants (expertise and majority) are the same. The Centers for Disease Control and Prevention, the World Health Organization, the Infectious Diseases Society of America, all 50 State Departments of Health in the US, the Pediatric Infectious Disease Society, the American College of Physicians, plus every other major professional infection control organization in the world, clearly opine unanimously. Bar none - "*leis man depalig*" (there is no mumcheh [expert] organization that disagrees) - all strongly urge vaccination as the only way to control these preventable and rachmana leztlan fatal diseases. Chasdei Hashem - no one dies anymore of smallpox; polio is almost wiped out - solely, and only because of very successful vaccination programs.

Why are people not following these medical experts *as halacha requires*? Why are my (and your) precious children and grandchildren exposed to lethal illnesses, forced to take painful and unnecessary additional medications and shots, because you, a non-expert "believe" otherwise.

Imagine if parents were to insist their child come to school armed with a revolver. Would even the most ardent gun rights activist insist this is their right? ***So why are we letting children come to our shuls, schools and camps spreading serious potentially life threatening illness that could have been prevented by vaccination?***

All the major rabbinic organizations have rightly and strongly spoken out against *physician assisted suicide*; I myself also recently published on this subject. Therefore, I feel compelled to publicly speak out (again) as well against *"non-vaccination assisted suicide"*, a cause which unfortunately does not get enough similar support.

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3. <https://www.theyeshivaworld.com/news/general/1631188/rav-moshe-sternbuch-writes-letter-to-rav-malkiel-kotler-about-the-halachic-requirement-to-vaccinate.html>

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4. Read more on this subject in the Journal of Halacha, [here](#)

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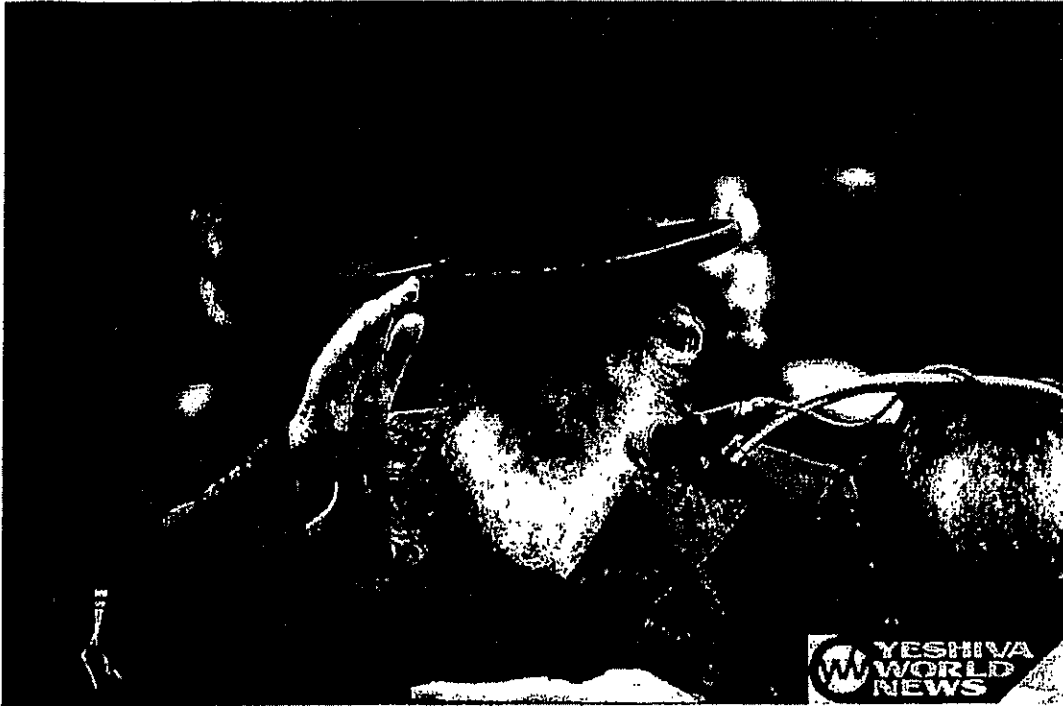
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Rav Moshe Sternbuch Writes Letter To Rav Malkiel Kotler About The Halachic Requirement To Vaccinate

November 27, 2018 1:45 pm



The following translation was done by Rabbi Yair Hoffman from the original letter, which appears below. (Additionally, the issue of vaccinations was brought up at the Agudah Convention at a panel with HaRav Elya Brudny and Harav Yosef Elefant. The video below is from that session.)

B'Ezras Hashem

18th of Kislev, 5779

To the Honorable Rosh Yeshiva of Lakewood, HaGaon HaGadol HaRav Aryeh Malkiel Kotler, Shlita,

This [letter] is in further discussion regarding the matter his honor [Rav Malkiel Kotler Shlita] discussed with me on the telephone about the decision of the American Menahelim of schools to prevent children who are unvaccinated with the Measles vaccine (MMR) from entering and studying in the Talmud Torah.

RAV MALKIEL'S VIEW

According to his [Rabbi Kotler's] words, on account of this, there are thousands of children in the New York and surrounding area that are sitting in their homes. This is because their parents are refusing to vaccinate them on account of a concern that the vaccination itself may be harmful to the child.

THE ADMINISTRATORS' VIEW

On the other hand, the administrations of the Talmud Torahs refuse to accept these students the entire time that they remain unvaccinated. This is on account of the danger that they will cause the spread of measles throughout the Talmud Torah.

According to his [Rabbi Kotler's] view, "This is improper, since there is substance to the view that the vaccine may be damaging. There is also the matter that according to his [Rabbi Kotler's] words, there are Gedolei Torah that agree with the view that parents cannot be forced to vaccinate."

RAV SHTERNBUCH'S PREVIOUS LETTER

Now regarding this issue, I have written a responsa regarding that which is pertinent to Eretz Yisroel. The matter is dependent upon time and place. I have not come to rule on the issue regarding America. That is dependent upon the rulings of the sages of that place. Nonetheless, in a number of aspects we may extrapolate from here [Eretz Yisroel] to there. I will copy here the letter that I wrote in regard to Eretz Yisroel.

Regarding the measles epidemic that has spread here, to the point where close to two thousand ill people have contracted the disease in the past year, may Hashem have mercy. Now according to the research of the physicians that was presented to me, out of every thousand people that contract measles one or two will actually die.

It would appear that under such circumstances, where it was demonstrably proven that one out of every thousand dies from the illness – this would be considered Pikuach Nefesh in order to allow a hatzalah for life threatening circumstances.

SOURCE

The heart of the issue is apparent from the words of the Maggid Mishna (Shabbos 2:13) and is cited in the Mogain Avrohom 330:3. "Even though not even one in a thousand women in labor pass away during a birth, nonetheless, a woman in labor is considered as a dangerously ill person to violate Shabbos. [It is just that ideally, one should only violate it with a shinui].

OTHER POSKIM THAT CONSIDER 1 in 1000 PIKUACH NEFESH

Similarly, we find regarding prohibitions [where the concept of bitul is for some reason inapplicable], that we are concerned for a very remote possibility – even if it is only one in a thousand (See Rashi, Bava Metzia 6b "Kulam."). A matter that involves danger is more serious than a matter that involves a prohibition.

If so, regarding matters of life and death – where we do not follow a majority – it is worthwhile to be concerned even for a remote possibility of one in a thousand.

POSKIM THAT CONSIDER 1 in 1000 REMOTE

On the other hand, we do find a number of Poskim [that are of the position] that a one in a thousand possibility does not qualify enough to be a danger upon which one would violate the Shabbos. as the Mogain Avrohom 316:23 has written – that it is forbidden to kill a rodent on Shabbos even when there is a concern that it will fall into the food. For this is a matter that is not common, and he can always cover the food. Also, the chance that it is dangerous in the food is one in a thousand. It is similarly explained in the responsum of Rabbi Akiva Eiger (Vol. I #60) that even if there is substantial pain and agony, and that there is a remote one in a thousand possibility that it will develop into a life-threatening situation or possible life-threatening situation – this is not considered pikuach nefesh. The Chazon Ish zt"l has already warned about this in his letters (Teshuvos and Ksavim #48), that we should not too quickly declare Pikuach Nefesh for every remote possibility – for if so you give a supportive hand to the derelicts – who will constantly find a remote concern in which to violate Shabbos. They will then come to work on Shabbos for purposes of making a living and will say that they are doing so because of Pikuach Nefesh.

RESOLUTION

We must, therefore, distinguish between the situations as follows:

That which the Mogain Avrohom and Rabbi Akiva Eiger have written, that one in a thousand is not considered even a possible Pikuach Nefesh is in regard to whether we consider the remote one in a thousand chance that it will “enter into a dangerous situation” – as the wording of Rabbi Akiva Eiger indicates – “that it will develop into a life threatening situation.” However, when the danger is clearly present before us – where we have cases of mortality of one in a thousand – like a woman giving birth – it is proper to be concerned for a remote possibility and it is treated like possible Pikuach Nefesh (See further what we have written on this in Teshuvos V’Hanhagos Volume V #399).

APPLICATION TO HERE

If so, here too, where there are before us situations where on account of a failure to vaccinate they arrived at true danger to life it is considered PIKUACH NEFESH to force the parents to vaccinate their children [similarly, even the parents of vaccinated children are permitted to demand that children who are not vaccinated not be allowed to enter the Talmud Torah together with their children, as will be explained later.]

MEASLES CAN DAMAGE LUNGS AND BRAIN


It would further appear that even without a concern of the mortality rate of measles, the doctors testify that measles will at times cause damage to internal organs [where it can cause brain infections and lung infections that cause permanent damage to breathing.] I remember that I heard from the Brisker Rav zt”l on that which is explained in the Gemorah, that one must do a hatafas dam bris Metzitzah on Shabbos because without this there is a danger to the child. He was asked how nowadays where it was proven medically that there is no danger or Pikuach Nefesh in leaving out the Metzitzah it should be forbidden on Shabbos. He explained that Pikuach Nefesh also involves long term weaknesses that can cause weaknesses in the future, and here too with a strong attack of measles, this illness can cause damage to the internal organs. At times this will not be noticed immediately, only after several years. On account of this concern, parents have the right to demand that those children who are not vaccinated not study with their own children.

Even though there are some individual doctors who claim that the vaccine can damage the child, since the overwhelming majority of doctors hold that vaccines do not damage at all. We are not to follow the tiny fraction of a minority of doctors who claim that vaccines damage (even though in general in safek pikuach nefesh cases we do not

follow the majority in cases of medical opinions as is explained in Shulchan Aruch OC 618:4) because here it is different in that if we follow the minority view, we are endangering others according to the majority view of the doctors. On the other hand, if we follow the view of the majority of doctors, we will be endangering people according to the view of the minority of doctors. In such a situation where on each side there is Pikuach Nefesh, we must certainly follow the majority. For the entire reason not to follow the majority is just in order to save life – and there is no “greater saving” here if we follow the minority view. Thus the halacha goes back to following the majority like in all other Torah cases where we follow the majority. Therefore it is clear that the father MAY NOT prevent his child from being vaccinated and to cause him to enter a situation that is Pikuach Nefesh according to the majority of medical opinion. Certainly here, where refraining from vaccinating a child causes damage to others. For on account of his not vaccinating his child he is causing the epidemic to spread further not only for his child but for others who can get sick from his child.

It would seem further that the parents of vaccinated children can demand that those children that are not vaccinated not be allowed to enter into schools together with their children. For as it is known this disease is very communicable. The vaccination itself cannot completely prevent the spread of it [there remains a 3 percent chance of infection even after vaccination]. The children that are not vaccinated do not have a right to endanger the vaccinated children and to expose them to the disease – even though the mortal danger to them is remote and minimal, since there is a small chance that they can become sickened by the disease. The parents have the right to demand that their children not be exposed to the illness even with no mortal danger.

We find similar to this in regard to the smoking of cigarettes. There the Halacha is clear that smokers are NOT PERMITTED to smoke cigarettes in a public place since they damage the rest of the public that do not smoke. Even though there are some individuals that claim that smoke does not cause damage, nonetheless, they do not have the right to force the public to follow the minority medical opinion. Here too, since the majority of doctors hold that they should vaccinate, the father is not permitted to force the public to rely on the minority view of doctors that hold not to vaccinate. Rather, the public can demand to fulfill the halachic obligation of Pikuach Nefesh to follow the view of the majority of doctors. It comes out that even the administration of the schools are not obligated to accept a child that did not vaccinate – since it is dangerous [to do so] and against the desires of the parents who are concerned for harm.



And while it is true that perhaps from the perspective of a lofty level of Bitachon a person may be permitted to rely on the Holy One Blessed Be He and not vaccinate (if he is truly on that high level of faith in Hashem in all of his matters), but Bitachon is only in matters that are between him and his Master, but in a place where he is liable to bring others into a state of danger – he is not permitted to endanger others. Rather, he is obligated to function in the manner of the halacha of saving lives. Therefore, the administrations of the schools should conduct themselves in the manner of Torah and they may demand that the students who have not been vaccinated not be admitted into Yeshiva. And even though the Talmud Torah of Tinokos shel Bais Rabban is most serious, for we do not abolish the study of Tashbar even for the building of the Bais Ha Mikdash – nonetheless, here where there is a concern for danger – even a remote danger – they do not have the right to cause a danger to others. And even though that there is in this a Chilul Hashem – a desecration of the Name for they give power to heretics and derelicts to make fun of Chareidim, for the epidemic is specific to religious communities, and they claim that our religion is not concerned for loss of life – during a time when the opposite is true – that our Holy Torah is concerned for every aspect of Pikuach Nefesh.

In conclusion, since it is proven that vaccines are effective to prevent the spread of disease, it is an obligation upon every father to vaccinate his children to prevent spread of the disease – as is the law of the Torah to follow the majority view of experts. Certainly here, where the view of the overwhelming majority of doctors and the boards of health that one should vaccinate, certainly then the administration of the schools may demand that those children that were not vaccinated not enter into the Talmud Torah.

All our words here apply to Eretz Yisroel, but that which is relevant to America, the Rabbis and Admorim there should judge it, and they should listen to the opinion of the doctors and follow the law of the Torah. Their intent is for the sake of Heaven to clarify the Halacha and they will have Divine assistance, and one who observes the Mitzvah to listen to Divrei Chachomim will know no evil.

I am involved in communal needs and I therefore shortened my words, the intelligent thinker will understand and add a lesson,

His Friend who desires his good welfare and who anticipates much Divine mercy, and may he fulfill within us “And I shall remove all illness from within your midst,”

[Rav] Moshe Sternbuch

Rabbi Moshe Sternbuch**Chief Rabbi**of the Orthodox Rabbinical Courts
Jerusalem

Rosh HaYeshiva - Ramat Bet Shemesh

משה שטרנבוך**ראב"ד**

לכל מקהלות האשכנזים

עיר"ק ירושלים ת"ו

ראש הישיבה ברמת בית שמש

מת"ס מועדים וזמנים ושו"ת תשובות והנהגות ועוד

בנייה

אור לגי"ח כסליו תשע"ט

לכבוד ש"ב ראש ישיבת ליקווד הגאון הרב אריה מלכיאל קוטלר שליט"א

אחדשה"ט ושי"ת

בהמשך לדברים אשר השמיע לי כת"ר בטלפון אודות התלטת מנהלי המוסדות בארה"ב – למנוע מהילדים שאינם מחוסנים במחלת החצבת להיכנס ללמוד בתלמוד תורה, ולדבריו נחמנת זה יושבים כאלפיים ילדים בניו וורק וגילולתיה בבתיהם, כיון שהוריהם מסרבים לחסן אותם מחמת חשש שהחיסון יוצמו מזיק לילד, ומאידך אף הנהלת התלמודי תורה מסרבים לקבל אותם כל זמן שלא התחסנו מפני סכנה שיגרמו להתפשטות מחלת החצבת בתוך התלמוד תורה, ולדבריו זהו שלא כדן כיון שיש יסוד לסוברים שהחיסון מזיק, ומה גם שלדבריו יש גדולי תורה שמסכימים לזה לא להכריח הורים לחסן, ונכ"ד.

והנה בוגיין זה כתבתי תשובה בהנגוע לארץ ישראל, והדבר תלוי במקומו ושיגתו, ולא באתי להכריז לאמריקה שתלוי בהכרעות חכמי המקום, אך מ"מ בכמה דברים נוכל להקיש מכאן לשם, ואעתיק כאן המכתב שכתבתי בהנגוע לארץ ישראל:

אן אודות מחלת החצבת שנתפשטה כאן – יד שחלו במחלה זו כאן קרוב לאלפיים חולים בשנה האחרונה הי"י, הנה לפי מחקרי הרופאים שהוצגו בפני, מכל אלף חולים בחצבת מתו אחד או שנים, ונראה דבכח"ג שהוכח במציאות לפנינו שמכל אלף חולים מת אחד, חשיב כפיקוח נפש לדון בו דינו הצלה בפיקוח נפש, ויסוד הדבר נראה מתוך דברי המגיד משנה (פ"ב דשבת הי"ג, והוב"ד במג"א סי' ש"ל סק"ג) דאע"פ שוולדת אפילו אחד מאלף לא מתה על ידי לידה, מ"מ דינה כחולה שיש בו סכנה לחלל עליה את השבת, [אלא רק דלכתחילה יש לחלל בשנינו כשאפשר בשנינו, ונז"ש ואכ"מ], וכן מצאנו באיסורים דבמקום שאין ביטול חוששים לצד רחוק אפילו דאחד מאלף, (נז"ש רש"י ב"מ ו' ע"ב ד"ה כולם), וחמירא סכנתא מאיסורא, וא"כ לגבי נפשות דלא אזלינן בתר רוב, היה ראוי לחוש אפילו לצד רחוק דאחד מאלף.

אלא דמאידך גיסא מצאנו בכמה פוסקים דבאחד מאלף לא חשיב סכנה לחלל עליה את השבת, וכמו שכתב המג"א (סי' שט"ז ס"ק כ"ג) דאסור להרוג השממית בשבת דאף דיש לחוש שיפול תוך המאכל, ד"מילתא דלא שכיחא היא ויכול לטעות המאכל, וגם אחד מאלף שהיא מסוכנת במאכל. וכן מבראר ברנ"א בתשובתו (ח"א סי' ס"ז) דאם איכא כאב וצער טובא ואפשר על צד הרחוק אחת מני אלף דיצמח מזה סכנה או ספק סכנה, אין זה בדיון פיקו"ג, וכבר הזהיר על זה רבינו והזו"א זצ"ל במכתביו (תשובות וכתבים מ"ח) שאין לנהוג לקרוא פיקוח נפש בכל צד רחוק, דא"כ אתה נותן יד לפושעים, שנתמיד ימצא צד רחוק של פיקוח נפש להתייר לחלל שבת, ויתיר לעבוד בשבת בשביל מרנסה ואמרו שנתשב כפיקוח נפש, עי"ש.

תל כן נראה שיש לחלק, דכל מה שכתבו המג"א והגר"א דאחת מני אלף אינו בתורת ספק פיקו"ג, היינו שחוששים לצד רחוק של אחד מאלף שאז "ייכנס לסכנה", וכלשון הגרעק"א "על צד הרחוק שיצמח מזה סכנה", אבל כשהסכנה מוכחת לפנינו – שיש לפנינו מקרים של מוות אחד מאלף וכמו בולדת, ראוי לחשוש לצד רחוק ודינו כספק פיקוח נפש, (ועי' נוש"נ בזה באריכה בתשובות והנהגות

Rabbi Moshe Sternbuch**Chief Rabbi**of the Orthodox Rabbinical Courts
Jerusalem

Rosh HaYeshiva - Ramat Bet Shemesh

משה שטרנבוך**ראב"ד**

לכל מקהלות האשכנזים

עיר"ק ירושלים ת"ו

ראש הישיבה ברמת בית שמש

מז"ס מועדים וזמנים ושו"ת תשובות והנהגות ועוד

ח"ה סיי' שצ"ט, וא"כ גם כאן שלפנינו יש מקרים שבמני חיסרון החיסון הגיעו לסכנת נפשות כמש, חשיב כפיקוח נפש לחייב את ההורים לחסן את בניהם, וכמו כן אף ההורים של הילדים המחוסנים רשאים לדרוש שילדים שלא חוסנו לא ייכנסו ללמוד בתלמוד תורה יחד עם בנם, וכמו שיבאר לקמן).

ב) ועוד נראה דגם בלא צד רחוק דמיתה מהחצבת עצמה, מ"מ הלא הרופאים מעידים שמחלת החצבת לפעמים מסוכנת לאיברים הפנימיים, ושלעולם לגרום לדלקת ברקמת המוח או לדלקת ריאות ולפגיעה בדרכי הנשימה, ובזכרוננו ששמועתי מפי הגאון דברסק זצ"ל וגל מה שמבואר במרא שצריך להטיף דם ברית בשבת כיון שבלא המציצה יש סכנה לתינוק, ששאלו אותו שהרי היום הוברר עפ"י הרטאה שאין שום סכנה ופיקוח נפש לתינוק בלא מציצה וא"כ היה ראוי לאסור המציצה בזמננו בשבת, והשיב מרן זצ"ל שפיקוח נפש אינו רק מה שמזיק מיד אלא גם מה שגורם תולשה לאחר שנים רבות באופן שיגרם לאחר זמן להמיתו, ולפעמים לא יורגש הסכנה אלא לאחר שנים רבות או אפילו לעת זקנותו, וא"כ גם כאן הלא בהתקפה חזקה של חצבת, המחלה עלול להזיק באברים הפנימיים, ופעמים שלא יורגש סכנת היזק בזה מיד אלא רק לאחר שנים רבות, ומחמת חשש זה יש זכות להורים לדרוש שהילדים שאינם מחוסנים לא ילמדו יחד עם בנם.

ג) ואע"פ שיש כמה רופאים יחידים הטוענים שהחיסון עלול להזיק לילד, אבל כיון דרובא דרובא דהרופאים סוברים שאין החיסון מזיק כלל, אין לחוש למועוטה דמועוטה דרופאים האומרים שהחיסון מזיק, ואף דבנלמא בספק פיקוח נפש לא אזלינן בתר רוב רופאים, וכמו שנפסק בשו"ע נא"ח סיי' תרי"ח סעי' ד' דבמקום הצלת נפש מן ישראל חיישינן גם לדעת מיעוט רופאים, והא שאני דאף אם נהזל בתר מיעוט הרופאים עדיין נישאר בתשש פיקוח נפש לדעת רוב רופאים, ובנאידך אם נהזל בתר רוב רופאים ונחסן את הילדים, באנו לחשש פיקוח נפש רק לדעת מיעוט רופאים, ובכח"ג דבכל צד איכא צד פיקוח נפש, בוודאי שיש לילך בתר רוב, דהא כל הטעם לא לילך בתר רוב רופאים הוא רק כדי להציל מצד פיקוח נפש, והא דליכא הצלה טפי בהא דנזיל בתר מיעוט, חזר הדין ככל התורה כולה דאזלינן בתר רוב, ולכן נראה פשוט שאין האב בלעים למנוע מבנו החיסון ולהכניסו בכך לפיקוח נפש לדעת רוב הרופאים, וכ"ש הא דבמנחת החיסון הוי תב לאתרני, שהרי על ידי שמונע מבנו החיסון גורם להתפשטות המחלה לא רק אצל בנו אלא גם אצל אחרים שעלולים להידבק מבנו.

ד) ונראה עוד, שיש זכות להורי הילדים המחוסנים לדרוש שאותם הילדים שאינם מחוסנים לא ייכנסו ללמוד בתלמוד תורה יחד עם בנם, שהרי כידוע מחלה זו מדבקת ביותר, והחיסון עצמו אינו מונע למנוע לגמרי חשש הידבקות, שנשאר עוד כשלוש אתונים חשש הידבקות לאחר החיסון, ואין זכות לילדים שאינם מחוסנים להזיק לילדים המחוסנים ולהכניסם לחשש הידבקות במחלה, ואף שחשש מוות בילדים מחוסנים הוא חשש רחוק מאוד, אבל הא מיהא יש צד מועט שיוכלו במחלה, ויש זכות להורים לדרוש שלא להכניס את בנם לחשש סכנה ממחלה גם בלא צד מוות.

וכאן זה מצאנו לגבי עישון סיגריות שהדין פשוט שאין המעשנים רשאים לשון סיגריות במקום ציבורי כיון שמוזיקים בזה לשאר הציבור שאינם מעשנים, ואע"פ שישנם כמה יחידים הטוענים שאין העישון מזיק, מ"מ אינם זכאים לכופ את הציבור לשמוע לדעת מיעוט הרופאים, גם כאן כיון שרוב הרופאים סוברים שיש להתחסן, אין האב רשאי להכריח את הציבור לסמוך על מיעוט הרופאים הסוברים שאין להתחסן, אלא הציבור יכולים לדרוש לקיים חובת פיקוח נפש כהלכה לשמוע לדעת רוב הרופאים, וממילא אף הנהלת התלמודי תורה אינם מתויבים לקבל אצלם ילד שלא התחסן – כיון שהוא מסוכן ועוד לרצון ההורים החוששים לנזק.

Rabbi Moshe Sternbuch

Chief Rabbi

of the Orthodox Rabbinical Courts
Jerusalem

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תן אמת שאולי ממדרגת הביטחון רשאי האדם לסמוך על הקב"ה ולא להתחסן נאם הוא באמת בדרגה גבוהה זו של ביטחון בכל דבריו, אבל ביטחון שייך רק בין האדם לקונו, אבל במקום שנוגע להכנס אחרים לסכנת נפשות אינו רשאי לסכן אחרים אלא מחויב לפעול כדין תורה להצלת נפשות, ולכן יש להנהיג התלמוד תורה לנהוג כדין תורה, ורשאים הם לדרוש שהילדים שלא התחסנו לא יוכנסו לתלמוד תורה, ואנשי שביטול תלמוד תורה של תשכ"ר חמיר טובא – דאין מבטלים תשכ"ר אפילו לבנין בית המקדש, מ"מ הכא בחשש סכנה אפילו סכנה רחוקה אין להם רשות להכנס אחרים לסכנה, ומה גם שיש בזה חילול ה' שנתנים יד למונים ולפושעים ללעוג על החרדים שהמחלה מתפרצת דווקא אצלם, ולטעון שהדת שלנו אינם חוששים למיקוח נפש, בשעה שהאמת היא להפך – שתורתינו הקדושה חוששת לכל נדנוד חשש פיקוח נפש.

ו) סוף דבר כיון שהוכח שהחיסון מונע למנוע התפשטות המחלה, מוטל על כל אב לחסן את בנו למנוע התפשטות המחלה – וכדין תורה ללכת אחר רוב המומחים, וכל שכן כאן דדעת רובא דרובא דרופאים דעת משרד הבריאות שיש לחסן, וכמו כן רשאים הנהלת התלמוד תורה לדרוש שהילדים שלא חוסנו לא יכנסו לתלמוד תורה.

וכל דבריו כאן הם בהנוגע לארץ ישראל, אבל במה שנוגע לאמריקה ידוע הרבנים והאדמו"רים שם, ומשמעו דעת הרופאים והתלמידי דין תורה, וכונתם רק לשם שמם לבדור ההלכה והיא להם סייעתא דשמיא, ושומר מצוה לשמוע דברי חכמים לא ידע דבר רע.

והנני טרוד בצרכי רבים ובישיבה ולכן קיצרתי, והמשכיל יבין ויוסיף לקח

ידידו הדושי"ט המצפה לרחמי שמים מרובים, ושיתקיים בנו "והסירותי מחלה מקרבך"

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